

EX PARTE OR LATE FILED

RECEIVED

MORRISON & FOERSTER

SEP - 2 1994

SAN FRANCISCO  
LOS ANGELES  
SACRAMENTO  
ORANGE COUNTY  
PALO ALTO  
WALNUT CREEK  
SEATTLE

ATTORNEYS AT LAW  
2000 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20006-1888  
TELEPHONE (202) 887-1500  
TELEFACSIMILE (202) 887-0763  
TELEX 90-4030 MRSN FOERS WSH

NEW YORK  
DENVER  
LONDON  
BRUSSELS  
HONG KONG  
TOKYO  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

DIRECT DIAL NUMBER

September 2, 1994

DOCKET FILE COPY ORIGINAL

(202) 887-1510

William F. Caton, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: Ex Parte Presentations Concerning  
General Docket 93-252

Dear Mr. Caton:

OneComm Corporation ("OneComm" or "Company"), pursuant to Section 1.1206(a)(1) - (a)(2) of the Commission's rules, submits an original and one copy of this letter and attachments regarding a permitted ex parte presentation to Commission officials.

Cheryl A. Tritt of Morrison & Foerster, Stephen W. Schovee, Chief Executive Officer and Michael R. Carper, Vice President and General Counsel of OneComm met with the following officials on September 1, 1994, regarding the Commission's recently announced freeze on new 800 MHz Specialized Mobile Radio ("SMR") applications: Commissioner Rachelle B. Chong and her Special Advisor, Jill Luckett; Commissioner James H. Quello and his Senior Legal Advisor, Lauren J. Belvin; James L. Casserly, Senior Legal Advisor to Commissioner Susan Ness; and Karen Brinkmann, Special Assistant to Chairman Reed E. Hundt. Ms. Tritt and Mr. Carper made similar presentations today to Gerald P. Vaughan, Deputy Chief of the Private Radio Bureau and to Rosalind K. Allen, Chief and Edward R. Jacobs, Deputy Chief of the Land Mobile and Microwave Division.

OneComm noted that applying the freeze to pending applications or new applications required to implement existing SMR systems, will severely impede OneComm's ability to complete the conversion of the licenses for its operating

No. of Copies rec'd  
List ABCDE

241

## MORRISON & FOERSTER

William F. Caton, Secretary  
September 2, 1994  
Page Two

SMR network to authorizations for its "as built" digital system.

OneComm explained that the licensing necessary to complete the transition of its system from analog to digital service involves several steps. First, to obtain the right to reuse SMR frequencies in a wide-area configuration OneComm must demonstrate that it has a contiguous, constructed and operational analog "footprint" with sufficient aggregate loading to justify the number of frequencies included in the wide-area SMR system. Next, so-called hypothetical grid sites must be licensed to protect the frequencies OneComm is entitled to use within its footprint. Third, once the actual digital sites are identified and engineered, implementing applications must be filed to accurately reflect the operating parameters of the system "as built." To the extent that "cell splitting" or other modifications are required, new applications must be filed to reflect these changes to OneComm's system on an ongoing basis.

Because each step must comply with the system licensing requirements originally outlined in the Commission's Fleet Call waiver order,<sup>1</sup> it is essential that OneComm obtain grants of all pending license applications and of those needed to implement its systems during the five (5) year construction period already granted for its wide-area SMR system.

OneComm also stressed that any freeze of applications for new SMR systems should be based on the application receipt date rather than a processing date to avoid the arbitrary results that flow from halting work on licenses that are partially processed and eligible for grant and were filed earlier in time than applications already granted prior to such a freeze.

OneComm noted that the Commission encouraged the development of wide-area, digital SMR systems in the Fleet Call decision in order to increase competition in the wireless services and strongly urged the Commission not to

---

<sup>1</sup> See Request of Fleet Call, Inc., For Waiver and Other Relief To Permit Creation of Enhanced Specialized Mobile Radio Systems in Six Markets, 6 FCC Rcd. 1533, (1991) (Memorandum Opinion and Order).

## MORRISON & FOERSTER

William F. Caton, Secretary  
Septembe 2, 1994  
Page Three

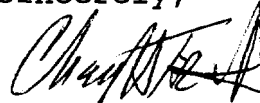
implement the freeze in a way that would hinder the rapid deployment of these systems.

Mr. Schovee summarized the financial impact of the freeze noting that OneComm has invested tens of millions of dollars in equipment and site acquisition expenses and for applications that were filed up to a year earlier but remain unprocessed. He pointed out the critical need to proceed with the licensing process to ensure that Onecomm remains on schedule with its deployment of digital SMR systems.

OneComm responded to the suggestion that a freeze might ultimately yield new spectrum for auctioning by pointing out that, to its knowledge, all 280 SMR channels are currently licensed in all of the sizeable markets in the United States.

The attached maps were used to illustrate the impact that the freeze might have on OneComm's system development. In addition, OneComm referred to maps prepared by Nextel Communications, Inc. that demonstrated the status of nationwide licensing for general individual SMR frequencies.

Sincerely,



Cheryl A. Tritt

cc: Commissioner Rachelle B. Chong  
Commissioner James H. Quello  
Gerald P. Vaughan  
James L. Casserly  
Karen Brinkmann  
Lauren J. Belvin  
Jill Lockett  
Rosalind K. Allen  
Edward R. Jacobs

EX PARTE OR LATE FILED

RECEIVED

MORRISON & FOERSTER

ATTORNEYS AT LAW

SAN FRANCISCO  
LOS ANGELES  
SACRAMENTO  
ORANGE COUNTY  
PALO ALTO  
WALNUT CREEK  
SEATTLE

2000 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20006-1888  
TELEPHONE (202) 887-1500  
TELEFACSIMILE (202) 887-0763  
TELEX 90-4030 MRSN FOERS WSH

NEW YORK  
DENVER  
LONDON  
BRUSSELS  
HONG KONG  
TOKYO  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

SEP - 2 1994

DIRECT DIAL NUMBER

September 2, 1994

(202) 887-1510

William F. Caton, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: Ex Parte Presentations Concerning  
General Docket 93-252

Dear Mr. Caton:

OneComm Corporation ("OneComm" or "Company"), pursuant to Section 1.1206(a)(1) - (a)(2) of the Commission's rules, submits an original and one copy of this letter and attachments regarding a permitted ex parte presentation to Commission officials.

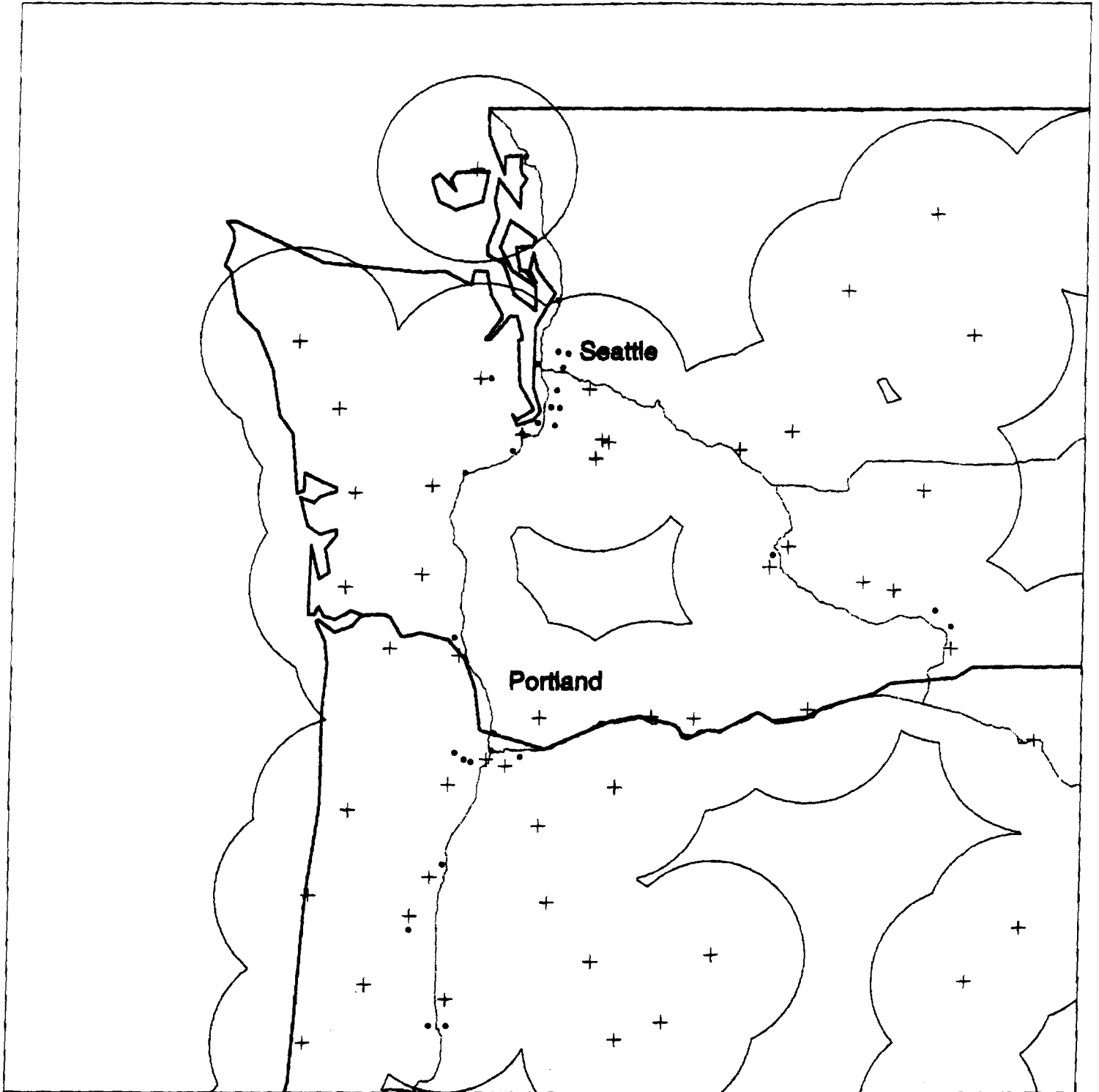
Cheryl A. Tritt of Morrison & Foerster, Stephen W. Schovee, Chief Executive Officer and Michael R. Carper, Vice President and General Counsel of OneComm met with the following officials on September 1, 1994, regarding the Commission's recently announced freeze on new 800 MHz Specialized Mobile Radio ("SMR") applications: Commissioner Rachelle B. Chong and her Special Advisor, Jill Luckett; Commissioner James H. Quello and his Senior Legal Advisor, Lauren J. Belvin; James L. Casserly, Senior Legal Advisor to Commissioner Susan Ness; and Karen Brinkmann, Special Assistant to Chairman Reed E. Hundt. Ms. Tritt and Mr. Carper made similar presentations today to Gerald P. Vaughan, Deputy Chief of the Private Radio Bureau and to Rosalind K. Allen, Chief and Edward R. Jacobs, Deputy Chief of the Land Mobile and Microwave Division.

OneComm noted that applying the freeze to pending applications or new applications required to implement existing SMR systems, will severely impede OneComm's ability to complete the conversion of the licenses for its operating

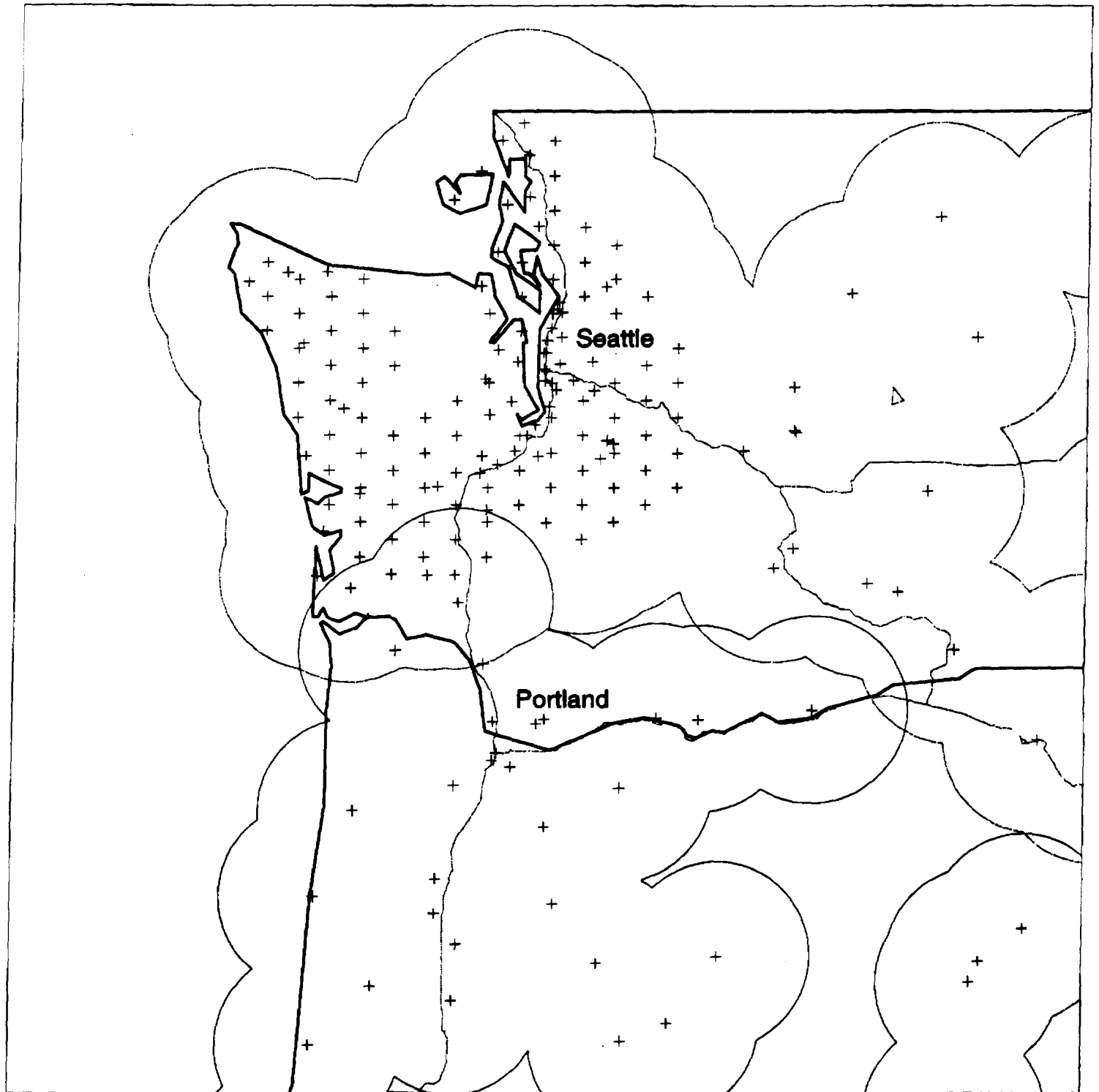
No. of Copies rec'd  
List ABCDE

241

# OneComm Constructed Analog Stations



# OneComm PNW Grid Filling



OneComm PNW Grid Filing - Granted as of 9/9/94

